Public Law 101-217
101st Congress

An Act

To clarify the Food Security Act of 1985.

[H.R. 3620]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Agriculture and agricultural commodities.

SECTION 1. AMENDMENT AFFECTING THE **1989** CROPS.

Effective only for the 1989 crops, section 1001(5)(D) of the Food Security Act of 1985 (7 U.S.C. 1308(5)(D)) is amended to read as follows:

"(D)(i) Except as provided in clause (ii), any person that conducts a farming operation to produce a crop subject to limitations under this section as a tenant that rents the land for cash (or a crop share guaranteed as to the amount of the commodity to be paid in rent) and that makes a significant contribution of active personal management but not of personal labor shall be considered the same person as the landlord unless the tenant makes a significant contribution of equipment used in the farming operation.

(ii) A tenant that because of any act or failure to act would otherwise be considered the same person as the landlord under clause (i) shall not be considered the same person as the landlord if the Secretary has at any time made a determination, for purposes of this section, regarding the number of persons with respect to the tenant's operation on such land for the 1989 crop year and the landlord did not consent to or knowingly participate in such act or failure to act.

(iii) Any tenant that would be considered to be the same person as the landlord but for the operation of clause (ii) shall

be eligible to receive any payment specified in paragraph (1) or (2) or subtitle D of title XII with respect to such land only to the extent that the tenant would be eligible for such payments if the tenant were to be considered the same person as the landlord under the regulations in place immediately prior to the enactment of this subparagraph.".

SEC. 2. AMENDMENT AFFECTING **THE 1990 CROPS.**

Effective only for the 1990 crops, section 1001(5)(D) of the Food Security Act of 1985 (7 U.S.C. 1308(5)(D)) is amended to read as follows:

"(D) Any person that conducts a farming operation to produce a crop subject to limitations under this section as a tenant that rents the land for cash (or a crop share guaranteed as to the amount of the commodity to be paid in rent) and that makes a significant contribution of active personal management but not of personal labor shall be ineligible to receive any payment specified in paragraph (1) or (2) or subtitle D of title XII with respect to such land unless the tenant makes a significant contribution of equipment used in the farming operation.".